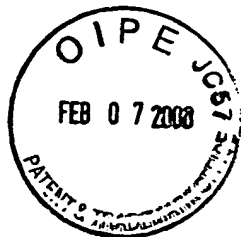


DCM - PHILANTA

ID:4048758505

FEB 02'00 15:54 No.007 P.02



Patent
Customer No.: 006980
Docket No. 14359-016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MUSACCHIA, John

Serial No.: 09/174,868

Filed: 19 October 1998

For: **ELEVATED GAME CALL WITH
ATTACHMENT FEATURE**

Group Art Unit: 3712

Examiner: Cogelink, U.

DECLARATION UNDER 37 C.F.R. §1.132 OF JOHN MUSACCHIA, JR.

Assistant Commissioner for
Patents
Washington, D.C. 20231

Atlanta, Georgia 30309-3214

2 February 2000

Sir:

I, John Musacchia, Jr., do hereby declare that:

1.

I am a named inventor of the invention described and claimed in the above-referenced patent application, and am over the age of majority. I have personal knowledge of the statements and information contained in this Declaration.

2.

I am one of skill in the art of game calls. I developed the present game call device after noting several complaints by others in the art that a separate game call and holding device was disadvantageous.

DCM - ATLANTA

ID:4048750505

FEB 02 '00 15:54 No.007 P.03

3.

It is well known that game hunting using a call requires rapid and sudden movements by the hunter. After a shot, the hunter typically must run to the game, or must adjust his position to refire. I know this from personal experience as a well-seasoned turkey hunter.

4.

These jerky movements sometimes separate the game call from the holding device used to raise the call from the hunter's body. Such dislodging leads to lost game calls.

5.

I understand that establishing long-felt need requires objective evidence that an art recognized problem existed in the art for a long period of time without solution. Additionally, I understand the relevance of long-felt need and the failure of others to the issue of obviousness depends on several factors.

6.

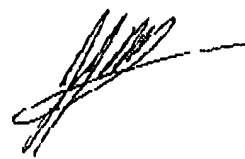
First, I understand the need must have been a persistent one that was recognized by those of ordinary skill in the art. In this regard, the game call of the present invention overcomes problems first recognized by others in the art, namely those using my father's '091 game call holder.

7.

Several of the disadvantages of a separate game call and holder include: that game calls became dislodged from under the tie-down straps of the holder upon sudden movement by the hunter, resulting in lost calls; that such a combination created inferior sounding game calls; and that separate units cost more than a unitary device.

8.

My father and I noted from responses to his '091 holder that others were trying to develop a superior unitary game call device, but there were many prior unsuccessful attempts to do so.



FEB 02 '00 15:55 No.007 P.04

I understand a second factor to consider is that the long-felt need must not have been satisfied by another before the invention by Applicant. To my understanding, having worked in the business of Hunting Products for over 15 years, a unitary game call device as disclosed and claimed in the present application was non-existent prior to my invention, as is evident by my discussion of the prior art in the present application.

Third, I understand the invention must in fact satisfy the long-felt need. I detail how the present invention satisfies the long-felt need for a unitary game call in my present application, and in the enclosed response.

Date: 2 February 2000

By:

~~John A. Hsachina, Jr~~